

Remarks

The Applicants note with appreciation the withdrawal of the 35 U.S.C. §102 rejection. The Applicants also acknowledge the new grounds of rejection. The Applicants respectfully request that the finality of this Official Action be withdrawn, inasmuch as the prior amendments did not appreciably change the scope of the subject matter of the solicited claims. Various of those claims were amended for matters of form, as opposed to overcoming the prior art. Also, the addition of new Claim 11 had no bearing on the new grounds of rejection. The Applicants accordingly respectfully request the opportunity to address the new grounds of rejection under circumstances that are not “final.”

The Applicants have again amended various of the claims to place the entire Application into condition for allowance. The amendments do not add any new claims, reduce the number of issues under consideration, do not change the scope of the claims and, thereby, do not raise new issues for consideration or search. Entry of the below described amendments is respectfully requested.

The Applicants acknowledge the objection to the Specification and the corresponding rejection of Claims 1 – 11 under 35 U.S.C. §112. The Applicants are completely confident that the phrase “electrodeposited crystallites” is not even remotely new matter in view of the “electrochemically deposited crystallites” from the original disclosure. The Applicants respectfully submit that one of ordinary skill in the art would readily understand such terminology. In any event, for the sake of simplicity, the Applicants have amended Claims 1, 4, 7 and 11 to remove the “electrodeposited” language. The Applicants accordingly respectfully request withdrawal of the objection to the Specification and the §112 rejection.

The Applicants have also amended Claim 1 to include a portion of the subject matter of Claim 3. Claim 3 has accordingly been cancelled. Claim 1 now recites that the metallic output conductor has on a surface thereof electrochemically deposited crystallites selected from the group consisting of Cu and alloys thereof. The Applicants respectfully submit that amended Claim 1 is neither taught nor suggested by Bittihn and Shokoohi, whether taken individually or collectively. In that regard, the Applicants note with appreciation the Examiner's helpful comments concerning the hypothetical application of Bittihn to the individual claims. Specifically, with respect to cancelled Claim 3, the Official Action points out that the electrode coating is made from a metal selected from the group consisting of Ni, Cr or Cr-Ni alloy. Unfortunately, Bittihn fails to disclose, teach or suggest the claimed electrochemically deposited crystallites selected from the group consisting of Cu and alloys thereof, as now recited in Claim 1. Therefore, the Applicants respectfully submit that Bittihn is inapplicable to all of the claims.

However, the rejection hypothetically combines Shokoohi with Bittihn. Shokoohi does not help cure the deficiency of Bittihn. In other words, Shokoohi also fails to disclose, teach or suggest the claimed electrochemically deposited crystallites selected from the group consisting of Cu and alloys thereof. Careful scrutiny of the entire Shokoohi document reveals that there is simply no reference to Cu or alloys thereof in conjunction with electrochemically deposited crystallites. Therefore, Shokoohi is also inapplicable.

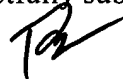
More importantly, even if one of ordinary skill in the art were to hypothetically combine Shokoohi with Bittihn as suggested in the Official Action, the resulting galvanic element would still fail to disclose, teach or suggest the claimed electrochemically deposited crystallites selected from the group consisting of Cu and alloys thereof. In fact, the Applicants respectfully submit that both of Bittihn and Shokoohi, even when taken together, are non-enabling with respect to

that claimed aspect. The Applicants therefore respectfully request withdrawal of the rejection of Claims 1 – 2 and 7 – 10 based on the hypothetical combination of Shokoohi and Bittihn.

The Applicants acknowledge the rejection of Claims 4 – 6 and 11 under 35 U.S.C. §103 over the hypothetical combination of Nakanishi with Shokoohi and Bittihn. Hypothetically combining Nakanishi with Shokoohi and Bittihn also fails to disclose, teach or suggest the claimed electrochemically deposited crystallites selected from the group consisting of Cu and alloys thereof. Therefore, even if one of ordinary skill in the art were to make the hypothetical combination, the resulting galvanic element would still fail to teach or suggest the invention as recited in Claims 4 – 6 and 11. Again, the Applicants respectfully submit that the combined Nakanishi/Shokoohi/Bittihn disclosure is non-enabling. The Applicants respectfully request withdrawal of the 35 U.S.C. §103 rejection of Claims 4 – 6 and 11.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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